

**From:** Hartley, Jonathan  
**To:** 'microsoft.atr(a)usdoj.gov'  
**Date:** 1/23/02 1:43pm  
**Subject:** microsoft proposed final judgement

I appreciate the great amount of work that has gone into producing the proposed final judgement to date. However, the settlement in its current form seems to overlook several important issues, and as such it is inadequate in curtailing Microsoft's past and current anti-competative practices, to the great detriment of consumers, rival technologies, and the computing industry as a whole.

In particular, I would like to see measures taken to prevent Microsoft from penalising OEMs who choose to ship PCs with other operating systems pre-installed. As far as I can see, section III.A.2 allows them to continue doing this. This practice effectively stifles any competing operating system from gaining a significant foothold in the marketplace, regardless of the merits of functionality, price or reliability that other operating systems may have to offer. Section III.B also seems to allow unfair penalizing of OEMs that choose to offer competing products.

Additionally, I would like to see steps taken to prevent Microsoft end-user licence agreements from prohibiting my choice of using non-Microsoft operating systems or products. The PFJ as currently stated does not prohibit these kinds of overly-restrictive EULAs.

Sincere thanks for this opportunity to express my views,

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